

## **Planning Board Minutes of July 16, 2013**

**Present:**

Brian Perry, Chairman  
Dan Kowalik  
Richard Forrestel  
Robert Anderson  
Mary Jane Shonn  
Brian Murray, Alternate  
Don Shonn, Attorney

**Absent:**

Charles Reid, Code Enforcer

**Meeting Began:** 7:00 P.M.

Chairman Perry opened the meeting with a welcome to everyone.

### **99 Main Street**

Mary and John Asmus along with Property owner Gerald Summe came before the Board to explain her permit for Change of Use at 99 Main Street. Mary explained that she moved her Beauty Salon next door to a larger space within the same building. She did add two small walls to enclose a room and added assorted plumbing where needed.

Gerald Summe, property owner, stated that he understands the need to have a permit for any kind of structural changes inside and out of a commercial property, he just wanted it clear that all the tenants he has rented to now and in the past have fallen into the proper use for a Business District according to State Code. He just wanted to protect his right as a Commercial property owner to rent to whomever he chooses as long as they comply with the permitted uses for the Central Business District.

Village Attorney Shonn explained that the Village Board as well as the Planning Board are trying to set a base as to the procedure of the permit process for a change of use permit. The Zoning Code establishes the different uses within a Zone, while in the existing Building

Code the different kinds of uses are broken down into 5 or 6 different categories. When changing from one category to another the Building Code states that a building permit is required.

Planning Board Member Kowalik highly recommended that all the Businesses along Main Street Business District as well as elsewhere in the Village should definitely have a Knox Box installed for a fast and efficient way to gain access to a burning building.

RESOLUTION duly moved by Anderson and seconded by Shonn to approve the proposal of the Hair Salon at 99 Main Street with the recommendation that a Knox Box is installed within 30 days and recommended to forward the permit to the Village Board for their approval. Carried Unanimously.

## **97 Main Street**

Crist Murray along with Property Owner Gerald Summe came before the Board to explain his permit for Change of Use at 97 Main Street. Mr. Murray explained that he will be using the store as a showroom for his wood furniture and gift displays. The store is approximately 500 square feet. He would not be constructing any wood items there but merely selling them. Discussion was held regarding signage for the store and Mr. Summe responded that the signage would have to go through his strict rules of any signs or window dressings before applying for a sign permit.

RESOLUTION duly moved by Forrestel and seconded by Anderson to approve the proposal of the wood gift shop at 97 Main Street with the recommendation that a Knox Box is installed within 30 days and recommended to forward the permit to the Village Board for their approval. Carried Unanimously.

## **51 Main Street**

Susan Zelif came before the Board as owner and tenant of 51 Main Street. She explained that the store front was an ice cream parlor before she moved her hair salon into the building. She made very few changes such as several sinks using existing plumbing and two outlets. She did mention that a Knox Box had already been installed.

RESOLUTION duly moved by Shonn and seconded by Anderson to approve the proposal of a Hair Salon and Spa at 51 Main Street and recommended to forward the permit to the Village Board for their approval. Carried Unanimously.

## **83 Main Street**

Jayne Little owner of 83 Main Street came before the Board to inform them about the Antique Consignment Shop that her tenants have opened. No changes were made to the inside other than shelving and display units. Village Attorney stated that the "Orange Crush" sign should be removed as its permit is null and void. The Village does have a code regarding signage in that the sign should convey the store's purpose. He also stated that if she decides not to remove it she should heavily insure it.

RESOLUTION duly moved by Perry and seconded by Forrestel to approve the proposal of an Antique Consignment Shop at 83 Main Street with the recommendation that a Knox Box is installed within 30 days and recommended to forward the permit to the Village Board for their approval. Carried Unanimously.

## **Land Separation – 27 Front Street and 208 East Avenue**

Village Attorney Shonn explained to the Board that at this time according to the Village Code anytime land is split it must come before the Planning Board for approval. However, the wording for adding or subtracting from one lot to another is very vague, leading Attorney Shonn to recommend to the Village Board to add a section C into the Code to better explain the procedure for land separation which would only include two lots. Mr. Shonn recommended that part of the new section should read: if review of the Code Enforcer reveals the land separation does not violate any Village Codes such as lot size, the need to present it to the Planning Board should be eliminated.

Thomas Brady, property owner of 27 Front Street, came before the Board to explain the land separation involving his property and the property his son Maxwell Brady recently purchased at 208 East Avenue. Mr. Brady purchased 20' of the rear from 208 East Avenue which is directly behind his property at 27 Front Street. After the split both properties are still in compliance with the Village Code. After discussion the Board found no violations with the separation and agreed to forward to the Code Enforcement Officer.

RESOLUTION duly moved by Shonn and seconded by Anderson to recommend and approve the land separation of 20' to Thomas Brady at 27 Front Street from Maxwell Brady at 208 East Avenue and to forward to the Code Enforcement Officer. Carried Unanimously

## **Land Separation – 5 Indianola Avenue and 60 Bloomingdale Avenue**

Will Griffin, from Realty USA, came before the Board to explain the land separation that he handled between Peter Phelps at 60 Bloomingdale Avenue and Patricia Chimento at 5 Indianola Avenue. Both parties sold pieces of their property to each other which resulted in squaring off both properties. Mrs. Chimento needed to purchase the extra land from the Phelps due to the lack of space at her side door entrance. The Real Estate Attorney Duane Root, suggested there might be a problem with the rear set back of the Phelps garage due to the sale. Mr. Griffin stated that he spoke to the past Code Enforcement Officer about this double sale and received the green light to go ahead. Both the Real Estate Agent and the Real Estate Attorney thought that all Village properties had a lot frontage of 75' and were unaware that the Village had an R-1 zone and an R-2 zone. As per the Village Code lots in the R-2 Zone should have 100 feet frontage and consist of 12,000 sq. ft. At this time, the property located at 5 Indianola Avenue is in violation due to the 76.58 actual frontage and 8,423.80 sq. ft. of land. Also per the Village Code, accessory buildings in the R-2 Zone need to be 20 feet from the rear yard line instead of 7.10 feet as is now the case for the garage located on the property at 60 Bloomingdale Avenue. After discussion the Planning Board agreed that this particular land separation made sense for both properties so it was agreed to forward the land separation violations to the Zoning Board of Appeals.

Due to the unusual circumstances with the past Code Enforcement Officer and his decision regarding this matter, the Village Attorney stated that the Village Board waived the \$125.00 zoning application fee for the Chimento variance and Attorney Shonn stated that he will ask the Village Board to waive the fee for the Phelps variance as well.

RESOLUTION duly moved by Perry and seconded by Anderson to approve the land separation between Peter Phelps at 60 Bloomingdale Avenue and Patricia Chimento at 5 Indianola Avenue and to recommend a variance for lot size for 5 Indianola Avenue and a

rear set-back for 60 Bloomingdale Avenue to the Zoning Board of Appeals be and hereby is approved. Carried Unanimously.

### **Food Truck and Cart Services**

Village Attorney Shonn stated that Resident Al Campbell from 45 Brooklyn Street requested a permit to sell food from his Food Service Truck within the Village during the day and possibly during Village events such as the Thursday night car shows. Attorney Shonn stated that the Village did not have any rules or regulations for Food Truck and Cart Services in the Village Code. He recommended the Planning Board review this issue.

### **Knox Boxes**

A lengthy discussion was held regarding the Knox Box and who has the authority to require the units in Commercial buildings in the Village. According to the Fire Code of New York State the Code Enforcement Officer has the authority to require them (section 506).

Planning Board Member Kowalik stated that the Village really needs to supervise the change of use permits especially when the store fronts have apartments above them. Fire Codes for stores with apartments above them are something the Village needs to really enforce.

RESOLUTION duly moved by Kowalik and seconded by Anderson to approve the minutes of the Planning Board Meeting of June 4, 2013. Carried unanimously

RESOLUTION duly moved by Shonn and seconded by Forrestel to amend the June 4, 2013 minutes by omitting the section regarding Food Truck and Cart Services and inserting them into the July 16, 2013 minutes be and hereby is approved. Carried Unanimously.

Planning Board Member Robert Anderson left the meeting at 8:53 pm

### **Code Enforcement**

The Planning Board held further discussion regarding the lack of a Code Enforcement Officer at scheduled meetings. The Village did put an ad in the paper for a part-time Code Enforcer, but the Planning Board believes strongly that a full time position is really needed. The amount of work that is required to bring the entire Village up to date with Fire Inspections and just basic monitoring of permits, properties, lawn conditions etc. supports the need for a full time presence. Budget restrictions could be partially supported with higher permit fees and policing all the projects that do not have permits. The Planning Board would like to attend the next Village Board meeting to voice their concern over the position of Code Enforcer.

**Meeting adjourned at 9:13 P.M. on a motion from Shonn and seconded by Perry. Carried Unanimously**

**Next Planning Board meeting: August 27, 2013 at 7:00 pm**

Submitted by:

Brian Perry, Planning Board Chairman